



# HAWAI‘I CIVIL RIGHTS COMMISSION

## **KOMIKINA PONO KIWILA O HAWAI‘I**

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### DRAFT MINUTES

Hawai‘i Civil Rights Commission Office

via Zoom

December 16, 2025

11:30 a.m.

Commissioners: Chair Alphonso Braggs, Jon Matsuoka, Arsima Muller, Raymond Nichols

Staff: Executive Director Marcus L. Kawatachi, Deputy Executive Director Heather McVay, Administrative Assistant Sandy Yoshimura, Chief Counsel Constance Yonashiro, Staff Attorney Joey Badua

Public: Peter Fritz, Ben Creps

Chair Braggs called the meeting to order at 11:31 a.m. The posted agenda for the meeting was unanimously adopted.

### Approval of Minutes

The minutes of the November 18, 2025 meeting were approved as circulated.

### Executive Director’s Report

Executive Director (ED) Marcus Kawatachi presented an FY 2026 HCRC Mediation Program year-to-date summary.

### Summary of Mediation Program FY 2026 Year to Date (7/1/25 through 12/15/25)

Referrals: 11

Dispositions: 5

Settlements: 3

Non-agreements: 2

Settlement Rate: 60%

Dual-filed settlements: 3

State-only settlements: 0

Employment cases settled: 1  
 Housing cases settled: 2  
 Public accommodations cases settled: 0

Dispositions by Center:	Settlements/Dispositions:	Settlement Rate:
Mediation Center of the Pacific	1/3	33.3%
Mediation Services of Maui		
Private Mediators		
Ku‘ikahi Mediation Services (Hilo)		
West Hawaii Mediation Center		
Kauai Economic Opportunity, Inc.		
Hawai‘i Civil Rights Commission	2/2	100%
<b>OVERALL</b>	<b>3/5</b>	<b>60%</b>

ED Kawatachi also presented a data and production report showing caseload data through December 15, 2025.

As of December 15, 2025, the written report showed 414 open cases.

Of the 414 open investigation cases, 2 (0.5%) were filed in 2018, 6 (1.4%) in 2019, 9 (2.2%) in 2020, 25 (6.0%) in 2021, 44 (10.6%) in 2022, 76 (18.4%) in 2023, 81 (19.6%) in 2024, and 171 (41.3%) in 2025.

ED Kawatachi reported a breakdown of the status of the open cases by type of case and investigation stage.

	Year of Case Filing									Totals
	2018	2019	2020	2021	2022	2023	2024	2025		
<u>Housing Cases:</u>	0	0	0	2	11	33	22	32	100	
<u>Non-Housing Cases:</u>										
Response Monitoring	0	0	1	4	5	13	20	78	121	
Mediation	0	3	4	8	4	9	12	25	65	
Pending Assignment	0	0	0	9	20	15	21	30	95	
Active Investigation	2	3	4	2	4	6	6	6	33	
	2	6	9	25	44	76	81	171	414	

The report indicated no new subpoena enforcement litigation.

#### Case Aging

38.2 % of all cases are 2 years or older.

8.9 % of all cases are over 18 months, but less than 2 years old.

10.9 % of all cases are over 12 months, but less than 18 months old.

13.3 % of all cases are over 6 months, but less than 12 months.

28.7 % of all cases are 6 months or less.

The report also covered the year-to-date data for the past five fiscal years:

Category	7/1/21 – 12/15/21	7/1/22 – 12/15/22	7/1/23 – 12/15/23	7/1/24 – 12/15/24	7/1/25 – 12/15/25
PCQ Received	229	233	269	295	353
Intake Decision	213	213	282	262	306
Complaint Filed	94	80	94	76	131
Investigation Closed	124	89	103	93	89
Notice of Cause	14	6	2	9	4
Enforcement Closure	5	1	6	2	3

### **Chief Counsel's Report**

#### a. Update on docketed cases

*i. MARCUS KAWATACHI, as Executive Director of the Hawai'i Civil Rights Commission, on behalf of the Complaint filed by FRANK RESURRECCION vs. K'S DRIVE-IN; Dkt. No. 25-003-E-D*

- Contested case hearing set for February 12, 2026

*ii. Marcus L. Kawatachi, Executive Director, on behalf of the complaint filed by Brandie Payne and Gregory Payne v. Peary G. Wagner; Dkt. No. 25-001-H-F*

- Contested case hearing set for January 30, 2026

*iii. MARCUS L. KAWATACHI, Executive Director, on behalf of the complaint filed by FABIOLA DIAS v. EVAN YUTAKA K. MASUNAGA and KRISTIN YURI MASUNAGA, Dkt. No. 25-004-H-S-RET*

- Docketed on November 17, 2025

- Tentative Hearing Date: April 20, 2026

### **Hawai'i Civil Rights Commission (HCRC) General Discussion**

#### a. Structure, Function, and Duties of HCRC

An agenda item from previous Commission meetings was the discussion of the law prohibiting boards from going into executive session to take action on certain personnel matters. Staff had been tasked with reporting on any impacts on the HCRC and issues of compliance with the law.

Staff, after researching the issue, reported that certain personnel matters of the HCRC would fall within the law, such as the hiring of specific HCRC staff positions under the direct authority of the Commissioners. No such personnel decisions are presently before the Commissioners for consideration, so no Commission action needs to be taken at this time. However, the next time an applicable personnel matter arises, the Commissioners will follow the law per staff recommendation.

**Announcements**

- a. The next meeting of the Commission was tentatively scheduled for January 13, 2026, at 11:30 a.m., via Zoom, subject to confirmation. This meeting and subsequent meetings will focus on legislation and run for approximately 45 minutes, as follows:
  - b. January 20, 2026, at 11:30 a.m., via Zoom
  - c. January 27, 2026, at 11:30 a.m., via Zoom
  - d. February 3, 2026, at 11:30 a.m., via Zoom
  - e. February 10, 2026, at 11:30 a.m., via Zoom

**Adjournment**

The meeting was adjourned at 11:56 a.m.

**Draft minutes circulated by Marcus Kawatachi, Executive Director.**  
**Approved by Commission, as circulated, on \_\_\_\_\_.**